

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**SOLMAX INTERNATIONAL, INC. on behalf of
itself and all others similarly situated and entitled to
share in the funds received by Geopacific Lining,
Inc., Joey Dale, William Wolfe, John Doe 1, John Doe
2, John Doe 3, John Doe 4 and John Doe 5,**

Plaintiff,

-v-

00-CV-394 (NAM)

**GP ENVIRONMENTAL, INC.; CRESMONT, INC.;
GEOPACIFIC LINING, INC.; JOEY DALE;
WILLIAM WOLFE; JOHN DOE 1; JOHN DOE 2;
JOHN DOE 3; JOHN DOE 4; and JOHN DOE 5,**

Defendants.

APPEARANCES:

OF COUNSEL:

Melvin & Melvin, LLP
217 South Salina Street
Syracuse, New York 13202
Counsel for Plaintiff

EDWARD J. SHEATS, JR., ESQ.,

Norman A. Mordue, D.J.:

ORDER

Presently before the Court for consideration is a request from plaintiff through counsel Edward J. Sheats, Jr., Esq., to discontinue this action as to the remaining defendants. *See* docket no. 104. By his request, plaintiff states “The plaintiff does not desire to pursue this matter further and will request the Court’s permission to discontinue.”

On March 3, 2005, judgment was entered in this action against defendants' GP International,

Geopacific Lining, and Joey Dale.

The remaining defendants John Doe 1 through 5 have never been served; plaintiff did not seek summary judgment as to defendant William Wolfe, who had filed a bankruptcy petition at the time the motion for summary judgment was filed; and plaintiff's motion seeking summary judgment against Cresmont, Inc., was denied.

z The Court notes that all district court mailings have been returned undeliverable since late 2002; therefore, in light of the foregoing, plaintiff's request is granted and the Clerk is directed to dismiss this action without prejudice.

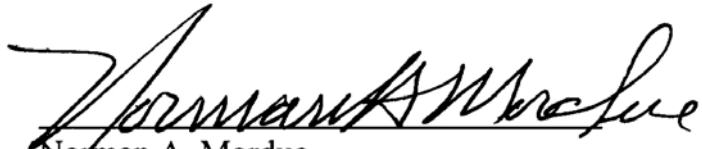
WHEREFORE, it is hereby

ORDERED, that plaintiff's request to dismiss this action without prejudice (docket no. 104) is **GRANTED**, and it is further;

a **ORDERED**, that the Clerk serve a copy of this Order on the parties hereto by regular mail at the last know addresses.

IT IS SO ORDERED.

Dated: August 2, 2005
Syracuse, New York


Norman A. Mordue
U.S. District Judge